

18351
012904
U.S.PTO

122278 US PTO
10/767609
012904

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of:

Inventor(s): Roberto Defez and Angelo Spena

For (title): METHOD TO CONTROL GENE EXPRESSION IN BACTERIA, NAMELY
RHIZOBIACEAE TO IMPROVE ROOT NODULE DEVELOPMENT,
 NITROGEN FIXATION AND PLANT BIOMASS PRODUCTION

1. Type of Application

- Utility
 Design

2. Small Entity

- Yes
 No

3. Benefit of Prior U.S. Application(s) Under 35 U.S.C. §120

This application is a:

- Divisional
 Continuation
 Continuing Patent Application (CPA)
 Continuation-in-part (CIP),

and hereby claims benefit under 35 U.S.C. §120 to the following applications:

| SERIAL NUMBER | FILING DATE |
|---------------|-----------------|
| 09/831,577 | August 27, 2001 |

4. Benefit of Non-U.S. Application Under 35 U.S.C. §119(a)-(d)

This application claims priority under 35 U.S.C. §119(a)-(d) to the following foreign application(s) and/or inventor certificate(s):

| COUNTRY | APPLN. NUMBER | FILING DATE |
|---------|----------------|------------------|
| EPO | 98830674.2 | November 9, 1998 |
| PCT | PCT/IT99/00355 | November 8, 1999 |

Certified copy(ies) of the application(s) and/or inventor certificate's from which priority is claimed:

- is(are) attached;
 were filed in parent application.

CERTIFICATE OF EXPRESS MAIL UNDER 37 C.F.R. §1.10

I hereby certify that this New Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service on 11/29/04 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV383544805US addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


 Sarah Kennedy

5. Benefit of Provisional Application Under 35 U.S.C. §119(e)

This application claims priority to the following provisional application(s):

| SERIAL NUMBER | FILING DATE |
|---------------|-------------|
| None | |

6. Papers Enclosed Which Are Required For Filing Date Under 37 C.F.R. §1.53

37 Pages of Specification, including claims and abstract
12 Sheets of Drawing

7. Additional Papers Enclosed

- Copy of Declaration and Power of Attorney filed in parent application
 - Preliminary Amendment
 - Copy of Information Disclosure Statement (37 CFR 1.98), Form PTO-1449 filed in parent application
 - Copy of recorded Assignment filed in parent application
 - Declaration of Biological Deposit
 - Copy of Statement filed in parent application regarding submission of "Sequence Listing" computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequences.
 - Other

8. Application Filing Fee Calculation

A. Utility Application

FEE CALCULATION:

Total Claims: 3 - 20 = 0 x \$18 = \$ 0.00

Independent Claims: 2 - 3 = 0 x \$80 = \$ 0.00

Basic Fee: \$ 770.00

Multiple-Dependent-Claim Fee : \$

Total of the Above Calculations: \$ 770.00

- Amendment canceling extra claims enclosed.
 - Amendment deleting multiple dependencies enclosed.
 - Fee for extra claims is not being paid at this time.

B. Design application - \$320

Application Filing Fee Sub-Total

Less 50% reduction for small entity.....

D. Non-English Specification - \$130..... \$

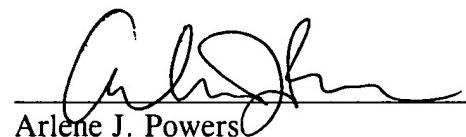
TOTAL FILING FEE \$ 383.00

9. Payment

- Enclosed
- Check in the amount of the Total Filing Fee set forth above.
- Charge Account No. 19-0079 in the amount of Total Filing Fee set forth above. A duplicate of this transmittal is attached.
- Not Enclosed

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§1.16 and 1.17 that may be required by this paper or any paper filed in connection with this Patent Application, or refund any overpayment to our Deposit Order Account No. 19-0079.

Respectfully submitted,



Arlene J. Powers
Reg. No. 35,985
Gauthier & Stevens LLP
225 Franklin Street, Suite 3300
Boston, MA. 02110
(617) 426-9180, Ext. 110